

In the 2nd Court of Ld.Additional District Judge, Sealdah

O.S. 04 of 2018 (R-04 of 2018)

(CNR -WBSP070012432018)

(J.O. No.WB00702)

Order No.33, dated 17.11.2022

Today is fixed for further hearing and filing original death certificates in respect of the deceased defendant namely, Bimalendu Chakraborty and his wife namely, Smt. Sujata Chakraborty.

Plaintiff files hazira. On repeated calls none appears on behalf of the petitioner Rajeswar Shaw as regards to an application filed by the petitioner u/o 1 rule 10(2) read with section 151 of CPC. The petitioner is absent without steps.

Perused the death certificates. On perusal of the petition and the death certificates, it reveals that Bimalendu Chakraborty, defendant and his widow died on 11.02.2022 and 20.03.2022 respectively by leaving their three legal heirs being two daughters and a son namely, Indrani Chakraborty, Sarbani Chakraborty and Amitava Chakraborty. The instant petition has been filed well within the statutory period. Hence, I find no bar to allow the instant petition and accordingly, the instant petition dated 10.05.2022 filed by the plaintiff/executor namely, Ranjit Kr.Dey is hereby allowed.

Let the persons namely, Indrani Chakraborty, Sarbani Chakraborty and Amitava Chakraborty be substituted in place of the deceased persons namely, Bimalendu Chakraborty and Smt. Sujata Chakraborty.

Bench Clerk-I is hereby directed to amend the cause title of the original suit accordingly and note it in the relevant Register.

Ld.Advocate is directed to file the copy of the amended plaint in the meantime.

Fix **14.02.2023** for taking steps upon the substituted defendants and for hearing of the petition dated 05.11.2019 u/o 1 rule 10(2) read with section 151 of Civil Procedure Code.

Dicttd & Corttd by me
Sd/-Bibhas Chatterjee
Addl. District Judge,
2nd Court, Sealdah

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Additional District Judge
2nd Court, Sealdah